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FEDERAL BUREAU OF INVESTIGATION

Date of entry 10/18/2018

Sterling Wheaten, an Atlantic City Police Officer, was interviewed at the U.S. Attorney's Office (USAO) in Camden, NJ on Friday, October 5, 2018. Present during the interview was Officer Wheaten's attorney Louis Barbone, Assistant United States Attorney (AUSA) Jason Richardson, USAO Paralegal Anne DeFay, and FBI Special Agents Michael Elton and Brittney Ketler. Officer Wheaten was aware this interview was related to the arrest of David Castellani. Prior to the start of questioning, Officer Wheaten and his attorney were given the opportunity to go over the proffer letter for this interview. AUSA Richardson then went over specifics about the proffer letter and had Officer Wheaten initial paragraph number four. Officer Wheaten acknowledged he was at this proffer interview of his own free will and was not forced to be there by anyone.

Officer Wheaten is 34 years old. He has a bachelors degree in criminal justice and a minor in anthropology from Stockton University in 2006. He grew up in Margate, NJ. He had no law enforcement or military experience before being hired by the Atlantic City Police Department (ACPD).

Officer Wheaten went from college to the ACPD. He went to the Cape May County Police Academy which was approximately six months long. After the academy, Officer Wheaten was assigned to a field training program for three months. He spent one month on each shift, with different people and worked the whole city.

Officer Wheaten has not served as a Field Training Officer during his career.

Officer Wheaten was then assigned to the Bravo shift, which is 4pm to midnight. He mostly worked in the back Maryland section, but rotated through the city.

Officer Wheaten was laid off in approximately September 2010 for one to two months. He was rehired back and went to patrol.

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Investigation on 10/05/2018 at Camden, New Jersey, United States (In Person)File # 282A-NK-3480253-302 Date drafted 10/09/2018by Michael John Elton, KETLER BRITTNEY SADE

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Officer Wheaten spent approximately two years on the Tactical Ops Team. This team patrolled high crime areas. They made arrests for weapons and CDS. The assignment was in uniform and plain clothes.

Next, Officer Wheaten became a K9 Officer and went to the K9 Academy. From what Officer Wheaten recalled about the K9 selection process, an officer had to have three or five years on the department, fill out a packet, have a panel interview, a PT test, have a "Cherry Day" at the academy, and take a psychological test. Officer Wheaten described the "Cherry Day" as a day at the academy where you go and get bit a bunch of times. Officer Wheaten was unsure how many officers applied for the K9 Officer position, he believed it was less than 20. There were 18 Officers in his K9 class. Three or four were from the ACPD, the others were from other police departments. Officers are not ranked at the K9 Academy. The K9 Trainer at the academy was Joe Rodriguez.

The Basic K9 Patrol Course was approximately four to five months long. Officer Wheaten received a dog (malinois) the first day of class. This dog bit him up a lot on the first day. Officer Wheaten received another dog (german shepard) the next Monday. This dog became his K9 partner and was named Hagan.

Officer Wheaten had a personal german shepard before he began the K9 Academy.

Topics covered during the K9 Academy included detection, location of evidence, locate people, obedience, apprehension, agility, K9 health, and 1st Aid.

K9 training is governed by the USPCA, the Attorney General, the County policy, and the Atlantic City policy. According to Officer Wheaten these policies are streamlined and mostly mirror each other. Officer Wheaten said he was bound by the ACPD policy.

Officer Wheaten said the use of a K9 is mechanical force. He agreed that it is equivalent to the use of a baton.

Officer Wheaten was asked by AUSA Richardson if training was received regarding the use of a canine that resulted in a death. AUSA Richardson said he could not recall the name of the case. SA Elton stated Robinette. Officer Wheaten stated Robinette vs Barnes. Officer Wheaten stated he was vaguely familiar with the case. He then said yes, they were instructed on a lot of case law.

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Officer Wheaten was then asked about grading while in the K9 Academy. He said the grading on agility was either pass fail. The grading for book knowledge was graded on a percentage. Officer Wheaten did not recall exactly the graded needed to pass. He did not receive remedial training by the K9 instructors. Officer Wheaten said he did help an unknown number, possibly a dozen, other K9 candidates during training.

During the first two to three months of K9 training, Officer Wheaten's K9 Hagan was required to stay in the kennels over night. After that time period he was allowed to bring the K9 home.

Officer Wheaten was asked about letting people pet the K9. He said you can let someone pet your K9, but it is not recommended. It is not recommended due to the possibility of an accidental bite.

Officer Wheaten said when his dog got in the car, the dog knew it was in work mode. He said the dog was good at home, even with his girlfriend, Carly Nugent. Nugent would do her yoga and the dog would not bother her. But, when the dog got in the car and the door was shut, the dog would bark, even at Nugent.

Officer Wheaten said a dog only follows the commands of it's handler, not another K9 partner handler.

Officer Wheaten graduated from the K9 Academy in May. After graduation he worked the whole city. He also worked outside of Atlantic City. He believed he was assigned to the midnight shift. Regarding assignments during a shift, he was either dispatched to a call, or jumped a call. Officer Wheaten described jumping a call as follows: an officer could be dispatched to a call, but if Officer Wheaten was closer to the call, he would put himself out at the call.

Officer Wheaten explained the following if he were called to a burglary call with his K9: He would not immediately take his K9 out of the vehicle when he got to the call. While responding to the scene, he would try to get as much information from dispatch as possible, if patrol units are on the scene he would try to get as much information as possible. Then once at the scene, he would try to get as much information as possible regarding the scene. If officers were trained properly they would have set up a perimeter.

Regarding in-service training, there is a K9 familiarization training. Officer Wheaten said he attended this when he was a patrol officer. He believed the training is done by a K9 officer.

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Regarding the use of a K9 and when asked about constructive authority, Officer Wheaten said you can't bring out a dog as constructive authority. A dog can not be brought out at the scene to disperse a crowd as constructive authority. It is prohibited to deploy a dog for only a disorderly persons offense, a mentally ill person, and solely for destroying property. A dog can not be deployed solely on an intoxicated individual, but if it leads to other things then a dog could possibly be deployed.

On the evening of June 15, 2013 Officer Wheaten said he was working the midnight shift. Prior to the incident involving David Castellani, Officer Wheaten did not hear of other incidents in the vicinity of the Tropicana on Unit South Morris Avenue. He recalled it being busy that evening.

Regarding the incident involving Castellani, Officer Wheaten recalled hearing there was a male resisting. He also recalled multiple officers calling for a K9. He remembered specifically the voice of Darrin Lorady. Officer Wheaten described Officer Lorady's voice tone as being scared from experience. Officer Wheaten described he has worked with Officer Lorady on the TAC team for two years. They were not partnered together on the TAC team. Officer Wheaten did not recall exactly what Officer Lorady said. Officer Wheaten was not sure who the multiple units, greater than two, asking for K9 were. He said it was not Officer Lorady. Officer Wheaten said the radio erupted. Officer Lorady said there was a disorderly male.

When the call came out, Officer Wheaten said he was driving through the city as safe and fast as he could. He did not recall where in the city he was at when the call came out. He drove off of Atlantic Avenue to get to the scene. It was approximately 3/4 of the block from Atlantic Avenue. He had on his overhead lights and headlights. As he was arriving, Officer Wheaten saw officers on the ground trying to put someone in custody. There was a lot of movement. He did not recall the number of officers.

Officer Wheaten was asked about looking at the hands of an individual. He said it was a fair assessment that the hands can kill you.

Officer Wheaten drove up and parked his vehicle. He does not recall the reason why he parked where he did. He said the front windows of his vehicle were up. He was unsure if the back windows were up or down. He heard officers screaming, stop resisting, get your hands behind your back. He heard Castellani screaming, fuck you. Officer Wheaten said the screaming was loud, he could hear it from his vehicle.

Officer Wheaten said he got out of his car and grabbed his partner. Leading up to getting out of the car at the scene, Wheaten said Officers

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had asked for a K9, there were verbal threats from Castellani, the officers were in uniform, and Castellani gave no regard to the officers orders. Officer Wheaten heard Officer Lorady say watch his right hand, he's reaching. Officer Wheaten said this triggered him to believe Castellani was in possession of a weapon. Officer Wheaten could see Castellani's left hand, but could not see his right hand. At this time, Officer Wheaten could not recall the position of Castellani. Other officers were trying to subdue Castellani. The officers were on top and around him. At this point Officer Wheaten utilized his partner (K9) who apprehended Castellani on his left side rib cage. Officer Wheaten said he did not give warnings due to exigent circumstances. He did not believe that a warning would do anything, it was pointless, and it was immediately necessary to utilize his partner.

As the dog bites Castellani, Castellani rolled over onto his back. Castellani brought both his open hands up and hit/struck/pushed the dog off, the dog yelped. Officer Wheaten said the K9 did not roll Castellani over. Castellani rolled himself over. When asked, Officer Wheaten said he thought Castellani was trying to injure Officer Wheaten's dog and continue to fight.

The dog then pops off of Castellani and immediately reengage's on the back of Castellani's neck.

Officer Wheaten said he was familiar with the use of force and the zones. He said there is no zone system with K9 apprehensions. The dog is trained to bite anywhere he can.

Officer Wheaten was asked if using a baton what zone would the genitals be. He believed it would be a red zone. He said the head would be a red zone. When asked about the neck, he said red, probably as well.

When asked, Officer Wheaten said he was familiar with a directed bite. He was asked if the first bite on Castellani was a directed bite, he said yes. He said the second bite to Castellani was not directed, it was more a reaction from the dog.

Officer Wheaten was asked if he immediately took the dog off of Castellani's neck. He said no, because Castellani was still resisting arrest. The other officers and himself were telling Castellani to stop resisting. Castellani then got on all fours. Castellani, with his right hand was striking the dog, while Officer Wheaten was on Castellani's left side.

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Officer Wheaten was asked if he punched Castellani in the shoulder two times. He said yes, and that he punched Castellani more than two times. Officer Wheaten said he was trying to subdue Castellani, to get him to the ground, because he thought Castellani was trying to get up and get away. He wanted to stop Castellani from punching his K9. Officer Wheaten said Castellani could have gotten up and run to a nearby casino, or get up to reengage to fight the other officers or himself. He did not know if Castellani had a gun, knife, weapon, or friends in the area. Officer Wheaten said the ultimate goal was to place Castellani in custody to end the situation. Eventually Castellani goes back to his belly. Officer Wheaten said it was pretty wild, it was like fighting the hulk. Castellani had no regard for the officers or the dog.

Officer Wheaten said he did not see a weapon on Castellani. He did not recall radio calls before he arrived on scene indicating a weapon. Officer Lorady said watch his right hand, he's reaching. Officer Wheaten took that to mean Castellani had a weapon.

When asked about 1st Aid, Officer Wheaten said he did render 1st Aid. When asked if he rendered the aid until paramedics arrived, he said, no. He believed Officer Desiree Perez jumped in because she had gloves on.

Officer Wheaten believed Officers Sendrick and Harper handcuffed Castellani.

When Officer Wheaten arrived with his K9, he did not say anything to get the other officers to move out of the way. They know from the K9 familiarization training to get out of the way.

Officer Wheaten was then asked about K9 surrenders during the six weeks before the Castellani incident. He said he did have K9 surrenders. He gave an example of an incident near Ventnor. There was a domestic violence matter with a male having a weapon. The male sees Officer Wheaten get out of the vehicle with his dog. Officer Wheaten gave warnings. The male followed Officer Wheaten's commands. He did not run away. Officer Wheaten was asked if he had surrenders after the Castellani incident. He said he believed he did, also before the incident. Officer Wheaten said a K9 officer does not always have to bring his K9 partner out of the vehicle. The officer can give warnings and the dog is barking for surrenders.

Officer Wheaten was asked if he saw a gun, would he deploy his dog. He said it depends on the scenario, there are so many variables. He said yeah he would probably draw his weapon if he had the proper distance and cover. If it is unknown if there is a weapon, he would have the K9 in his support

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hand, and his firearm in his strong hand. The dogs take part in training, with their handlers shooting their weapon if it is necessary.

Officer Wheaten said he watched the video before he wrote his report in the Detective Bureau. He believed he was by himself by the time he watched the video. He did not remember if the report was kicked back to him. He did not show his report to the other officers prior to submission. Officer Wheaten said everything in his report was correct based on his knowledge.

Officer Wheaten went to the police academy with Officer Lorady. He is friendly and socialized with Officer Lorady back then. They socialized more when they were on the TAC team. They would socialize after work and during days off. They just went out and watched games.

Officer Wheaten said he was treated fairly during this interview and had no complaints.

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